

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
v. § No. 4:20CR179
JOSE LUIS HERNANDEZ (36) § Judge Jordan

ELEMENTS OF THE OFFENSE

The defendant is charged in Count One of the **Second Superseding Indictment** with a violation of 21 U.S.C. § 846, Conspiracy to Possess with the Intent to Manufacture and Distribute Controlled Substances. The essential elements which must be proven to establish the offense are as follows:

Count One:

First: That the defendant and one or more persons, directly or indirectly, reached an agreement to commit the crime charged in the **Second Superseding Indictment**, that is, to possess with the intent to manufacture and distribute cocaine and marijuana;

Second: That the defendant knew of the unlawful purpose of the agreement;

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;

Fourth: That the overall scope of the conspiracy involved 5 kilograms or more of a mixture containing cocaine and 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana;

Fifth: That the defendant knew or reasonably should have known that the scope of the conspiracy involved five kilograms or more of cocaine and more than 1000 kilograms of a mixture or substance containing a detectable amount of marijuana.

Respectfully submitted,

BRIT FEATHERSTON
UNITED STATES ATTORNEY

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on April 25, 2023.

/s/

HEATHER RATTAN
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